

REMARKS

Claims 63-65 have been amended. Claims 1, 23, 41, 42, 45-48, and 50-65 are pending in the instant application. Claims 1, 23, 41, 42, 45-48 and 50-62 were allowed in the Office Action mailed January 12, 2007. No new matter has been added as a result of the above-described amendments. The objections and rejections set forth in the Office Action have been overcome by amendment.

1. Objection to claims

The Office Action states that claim 65 is objected to for reciting "nd" on line 4, after "NO: 4." The Action requests that claim 65 be corrected to recite "and."

Applicants have corrected claim 65 to recite "and."

2. Rejection of claims 63-65 under 35 U.S.C. § 112, second paragraph

The Office Action asserts a rejection of claims 63-65 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Action states that claims 63-65 are indefinite because they encompass a gene "unaccompanied by" a nucleotide sequence encoding the specified amino acids, and it is unclear whether the gene does not comprise the nucleotide sequences or if it is somehow not stuck to the nucleotide sequences.

Applicants have amended claims 63-65 to replace the phrase "said polypeptide is expressed from a gene unaccompanied by nucleotide sequence encoding" with the phrase "said polypeptide is expressed from a gene that does not encode." Applicants, therefore, respectfully request that this ground of rejection be withdrawn.

CONCLUSIONS

Applicants respectfully contend that all conditions of patentability are met in the pending claims as amended. Allowance of the claims is thereby respectfully solicited.

If Examiner O'Hara believes it to be helpful, she is invited to contact the undersigned representative by telephone at 312-913-0001.

Respectfully submitted,
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